

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANTHONY E. MARTINEZ,

Plaintiff

v.

ARNOLD TOOMBS, *et al.*,

Defendants

Case No. 2:23-cv-01048-GMN-BNW

**ORDER**

**I. DISCUSSION**

On July 24, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 3). In response, Plaintiff filed another incomplete application to proceed *in forma pauperis* (ECF No. 4). Plaintiff has not submitted a completed financial certificate and an inmate account statement.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.

1 See 28 U.S.C. § 1915(b).

2 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
3 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
4 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
5 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
6 required documents.

7 **II. CONCLUSION**

8 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.  
9 4) is denied without prejudice.

10 It is further ordered that Plaintiff has **until October 13, 2023**, to either pay the full  
11 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
12 all three required documents: (1) a completed application with the inmate's two signatures  
13 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
14 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
15 previous six-month period.

16 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
17 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
18 to refile the case with the Court, under a new case number, when Plaintiff can file a  
19 complete application to proceed *in forma pauperis* or pay the required filing fee.

20 The Clerk of the Court is directed to send Plaintiff the approved form application to  
21 proceed *in forma pauperis* for an inmate and instructions for the same.

22  
23 DATED: September 12, 2023

24   
25 \_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE